

AMENDMENTS TO THE DRAWINGS

The sheet(s) of Replacement Figures 6 and 7 are attached to this amendment.

Attachment: Two Replacement sheets

REMARKS

Claims 4-31 are pending in the present application. Claims 19-23 were previously withdrawn from consideration as drawn to a non-elected invention. By virtue of this response, claims 19-23, and 25-28 have been cancelled, without prejudice; claims 12 and 30 have been amended to delete the redundant word “recombinant” pursuant to the examiner’s suggestion and claim 24 has been amended to recite proper antecedent basis for the claim. Accordingly, claims 4-18, 24, and 29-31 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Applicants acknowledge that the previous rejection of claims under Section 102(b) as allegedly anticipated by Natsoulis, and all the previous rejections of claims under Section 103 have been withdrawn.

Drawings Objections

Figures 6 and 7 are objected to under 37 CFR 1.83(a) because they allegedly fail to show any details as described in the specification. Specifically, both figures are graphs. Figures 6 and 7 are described in the specification at pages 57 through 58 under Example 7. Based on the disclosure of the specification, one of skill in the art would understand Figures 6 and 7. Applicants are submitting replacement sheets of Figures 6 and 7, thereby obviating this drawing objection. Applicants request that this objection to the Figures be withdrawn.

Claim Objections

Claim 30 is objected to because of the following alleged informalities. In claim 30, line 1, “recombinant rAAV” is redundant as rAAV is defined as “recombinant AAV” in the specification.

Applicants have amended claim 12 and claim 30 to remove the redundant word “recombinant”, thereby obviating this objection. Applicants request that this objection be withdrawn.

Claims Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 24-29, and 31 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants traverse this rejection.

The Examiner has rejected claim 24, which prior to entry of the instant amendment, recited a vector. Applicants have amended claim 24 to recite “a method according to claim 15”, thereby obviating this rejection.

The Examiner has rejected claims 25-29 alleging that the recitation of a % of transcription based on the wildtype P5 promoter is vague and indefinite. Applicants point out that the Examiner’s rejection of claim 29 may be an inadvertent error as claim 29 does not recite this language. Regarding claims 25-28, Applicants disagree that these claims are vague and indefinite. One of skill in the art based on the teachings of the specification would understand the metes and bounds of claims 25-28. Without acquiescing to this rejection and solely in an effort to expedite prosecution, Applicants have cancelled claims 25-28, thereby obviating this rejection. Applicants request withdrawal of this rejection of claims.

The Examiner alleges that claim 31 is vague and indefinite in that the metes and bounds of “much” are unclear. Applicants disagree that this claim is vague and indefinite. One of skill in the art based on the teachings of the specification would understand the metes and bounds of claim 31. Without acquiescing to this rejection and solely in an effort to expedite prosecution, claim 31 does not recite “much”, thereby obviating this rejection. Applicants request withdrawal of this rejection of claims.

Allowable Subject matter

Claims 4-18 are deemed allowable by the Examiner. Applicants believe that the remainder of the pending claims are also in shape for allowance and respectfully request an indication from the Examiner in this regard.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 226272007801. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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Attachments